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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,855	06/27/2003	Francesco Ciovacco	2110-47-3	8247
7590 GRAYBEAL JACKSON HALEY LLP Suite 350 155-108th Avenue N.E. Bellevue, WA 98004-5973			EXAMINER NADAV, ORI	
		ART UNIT 2811	PAPER NUMBER	
		MAIL DATE 09/11/2007	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/608,855	CIOVACCO ET AL.
	Examiner Ori Nadav	Art Unit 2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 February 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-18,22-44 and 46-53 is/are pending in the application.
- 4a) Of the above claim(s) 7,12,13,16-18,23 and 50-53 is/are withdrawn from consideration.
- 5) Claim(s) 22 and 24-44 is/are allowed.
- 6) Claim(s) 2-6,8-11,14,15 and 46-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/26/06.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

Generic claim 24 is allowable. Pursuant to the procedures set forth in MPEP § 821.04(B), dependent claims 34-44, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 46 is rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (5,807,789).

Regarding claim 46, Chen et al. teach in figures 4-6 and related text a process for forming trenches with an oblique profile and rounded top corners in a wafer, comprising the steps of:

through a first polymerizing etch, forming in a semiconductor wafer depressions delimited by rounded top corners (column 2, line 55); and

through a second polymerizing etch, opening trenches at said depressions; characterized in that said second polymerizing etch is performed in variable

plasma conditions (column 2, line 60 to column 4, line 18), to form trenches with oblique profile having approximately a same constant angle relative to a surface parallel to a face of the wafer, wherein said step of forming said second polymerizing etch comprises controlling an etching voltage between said plasma and said wafer (this step is inherent in Chen et al.'s device).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Applicant Admitted Prior Art (AAPA).

Regarding claims 47-49, Chen et al. teach substantially the entire claimed structure, as applied to claim 45 above, except stating increasing the etching voltage by a discrete-ramp voltage function having steps of constant duration. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to increase the etching voltage by a discrete-ramp voltage function having steps of constant duration in Chen et al.'s device in order to obtain the best device characteristics, subject to routine experimentation and optimization.

Claims 2-6, 8-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (5,807,789) in view of Lee et al. (6,287,938).

Chen et al. teach in figures 4-6 and related text a process for forming trenches with an oblique profile and rounded top corners, comprising the steps of:

through a first polymerizing etch, forming in a semiconductor wafer depressions delimited by rounded top corners (column 2, line 55); and

through a second polymerizing etch, opening trenches at said depressions;

wherein said second polymerizing etch is performed by varying plasma conditions (column 2, line 60 to column 4, line 18) around the semiconductor wafer to form trenches with oblique profiles having a substantially constant slope,

wherein controlling the plasma conditions includes controlling an etching voltage between a plasma around the wafer and said wafer (this step is inherent in Chen et al.'s device),

wherein said step of varying comprises increasing said etching voltage (this step is inherent in Chen et al.'s device),

wherein said second polymerizing etch is an HBr- and O<sub>2</sub>-based etch,

wherein said step of forming a first polymerizing etch and said step of forming a second polymerizing etch are performed using a masking structure,

wherein the process comprises the step of filling said trench with a dielectric material.

Chen et al. do not teach forming trenches having a substantially constant slope throughout substantially an entire sidewall of each trench.

Lee et al. teach in figure 3 and related text trenches having a substantially constant slope throughout substantially an entire sidewall of each trench.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form trenches having a substantially constant slope throughout substantially an entire sidewall of each trench in Chen et al.'s device in order to prevent residual stress concentration.

Regarding claims 4-6, Chen et al. and Lee et al. teach substantially the entire claimed structure, as applied to claim 1 above, except an etching voltage being a discrete-ramp voltage of steps of constant duration of approximately 30 seconds. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an etching voltage being a discrete-ramp voltage of steps of constant duration of approximately 30 seconds in prior art's device, in order to obtain the best device characteristics, subject to routine experimentation and optimization.

Regarding claim 8, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to place prior art's wafer in an etching chamber and to supply a constant chamber voltage thereto in prior art's device, in order to form the device in a known processing location (an etching chamber).

Regarding claims 10-11, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use Cl2 and N2 and a substance chosen in

the group comprising CHFa, CH2F2 in the polymerizing etch in prior art's device, in order to improve the etching steps of making the device.

### ***Allowable Subject Matter***

Claims 22, 24-44 are allowed.

### ***Response to Arguments***

Applicant argues that Chen et al. do not teach varying an etching voltage between said plasma and said wafer, because "varying the RF power, as Chen discloses, does not vary and certainly does not correspond to controlling the etching voltage".

Chen et al. explicitly state in column 3, lines 23-27 that the plasma etching process is achieved using four gases "with a radio-frequency (RF) of about 400W". Clearly, the RF power directly corresponds to the plasma etching process. Since the plasma etching process is function of the plasma etching voltage, then the RF power corresponds to the plasma etching voltage. Chen et al. further teach at least two different RF power values involved in the plasma etching process (column 3, lines 21-47). Therefore, Chen et al. teach varying an etching voltage between said plasma and said wafer, as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



O.N.  
9/10/07

ORI NADAV  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2800